

1937

c 232 Surveys Act

Ontario

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CHAPTER 232.

The Surveys Act.

1. In this Act,—

Interpretation.

- (a) "Department" shall mean Department of Lands and Forests; "Department."
- (b) "Minister" shall mean Minister of Lands and Forests; "Minister."
- (c) "Surveyor" shall mean Ontario land surveyor; "Surveyor."
- (d) "Regular lot" shall mean a lot the boundaries of which conform to that particular system of survey in which such lot occurs; "Regular lot."
- (e) "Unbroken lot" shall mean a regular lot the area of which is not diminished or increased by any natural or physical features shown on the original plan; "Unbroken lot."
- (f) "Undisputed angle" shall mean an angle of a lot at which an original post, original monument or other original mark intended to define such angle still exists or at which the position of the original post, original monument, or original mark can be established by satisfactory evidence; "Undisputed angle."
- (g) The true bearing of a line shall be the astronomic bearing of the same. R.S.O. 1927, c. 202, s. 2. True bearing of line.

2. No survey of land for the purpose of establishing, defining, locating or describing any limit, boundary or angle whatsoever in any township, city, town, village, concession, section, block, gore, reserve, common, lot, mining claim, mining location or other parcel of land shall be valid unless performed by a surveyor. R.S.O. 1927, c. 202, s. 1. Validity of surveys.

3. All boundary or division lines legally established, and ascertained under the authority of any ordinance or Acts heretofore in force shall remain good and valid and all other acts or things legally done and performed under the authority of such ordinances or Acts, or any of them, and in conformity to the provisions thereof, shall remain good and valid notwithstanding the repeal of any such ordinance or Act. R.S.O. 1927, c. 202, s. 3. Boundary lines heretofore established confirmed.

PROCEDURE OF SURVEYOR.

Field notes.

4.—(1) Every surveyor shall make and preserve exact and regular field notes of all his surveys and shall also keep a proper record or index of all such field notes and shall exhibit or give copies of the same to any person concerned for a reasonable charge. R.S.O. 1927, c. 202, s. 4.

Custody of field notes, etc., of deceased surveyor.

(2) Where a surveyor has died and no arrangements have been made, within six months, to place his field notes, records and indices in the custody of a surveyor in active practice, they shall be delivered by the executors of the estate of the deceased surveyor to the Minister who shall hold them until such time as arrangements may be made to place the said field notes, records and indices in the custody of a surveyor in active practice.

To be deemed public documents.

(3) During the time the said field notes, records and indices are in the possession of the Minister they shall be considered to be public documents and shall be open for inspection by interested parties in accordance with the regulations of the Department for that purpose. 1931, c. 42, s. 2.

Standard measure.

5.—(1) The secretary-treasurer of the Association of Ontario Land Surveyors shall, by the standard measure of length deposited with the Department and under such instructions as he from time to time receives from the council of the Association, examine, test and stamp each standard measure of length for the surveyor who brings the same for examination, and for each standard measure so examined, tested and stamped, shall receive a sum, not less than \$1 nor more than \$2 as the council may by by-law determine.

Surveyor to procure a stamped standard measure of length.

(2) Every admitted and practising surveyor shall procure and shall cause to be examined, corrected, tested and stamped or otherwise certified by the secretary-treasurer a standard measure of length, under the penalty of the forfeiture of his license or certificate, and shall as often as may be necessary verify by such standard measure the length of his measuring tapes and chains, and shall also verify in the proper manner the accuracy of his other surveying instruments. R.S.O. 1927, c. 202, s. 5.

Chainman's oath.

6. A surveyor may require any chainman or other assistant in his employ, before he commences his duties as such, to take an oath to act as such justly and exactly according to the best of his judgment and ability and to render a true account of such duties to the surveyor by whom he is employed, which oath such surveyor employing is hereby authorized and required to administer whenever the same may be necessary. R.S.O. 1927, c. 202, s. 6.

7.—(1) A surveyor and his duly authorized assistants when engaged in the performance of the duties of his profession, may pass over, measure along and ascertain the bearing of any line or limit whatsoever and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person.

When land
surveyors
may pass
over private
lands.

(2) For the purpose of obtaining any measurements necessary to a proper and satisfactory performance of the duties of his profession, a surveyor and his duly authorized assistants shall have the right of entry to any building at a time suitable to the rightful occupant of such building.

Right to
enter
buildings.

(3) Any person who interferes with or obstructs a surveyor in the exercise of any of the powers conferred by subsections 1 and 2 shall incur a penalty not exceeding \$100 recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 202, s. 7.

Penalty for
obstruction.

Rev. Stat.
c. 136.

8.—(1) For better ascertaining the original limits of any township, concession, range, lot, mining claim, mining location or other parcel of land, every surveyor may when necessary administer an oath to any person whom he examines concerning any boundary, post or monument or any original land mark, line limit or angle of any township, concession, range, lot, mining claim, mining location or other parcel of land which such surveyor is employed to survey.

Administra-
tion of
oaths by
surveyor.

(2) The evidence taken by the surveyor shall be reduced to writing and shall be read over to and be signed by the person giving the same, or, if he cannot write, such person shall acknowledge it as correct before two witnesses, who, as well as the surveyor, shall sign the same.

Evidence,
how to be
taken down.

(3) The evidence, and any document or plans prepared and sworn to by a surveyor as correct with reference to any survey by him performed, may be filed and kept in the registry office of the registry division, or in the office of land titles for the district in which the land to which the same relates is situated, subject to be produced thereafter in evidence in any court.

Filing
evidence
documents.

(4) The fee for receiving and filing the same shall be twenty-five cents, and the expense of filing shall be borne by the parties in the same manner as the other expenses of the survey. R.S.O. 1927, c. 202, s. 8.

Fees.

9.—(1) Where a surveyor is in doubt as to the true boundary or limit of any township, city, town, village, concession, section, block, gore, reserve, common, lot, mining claim, mining location or parcel or tract of land which he is employed

Powers to
secure
evidence by
subpoena.

to survey and has reason to believe that any person is possessed of any important information touching such boundary or limit, or of any writing, plan or document tending to establish the true position of such boundary or limit, then if such person being tendered his reasonable expenses does not willingly appear before and be examined by such surveyor, or does not willingly produce to him such writing, plan or document, a judge of a county or district court, upon the application of such surveyor or the person employing him, accompanied by an affidavit or solemn declaration of the facts on which the application is founded, may order a subpœna to issue commanding such person to appear before the surveyor at a time and place to be mentioned in the subpœna and to bring with him any writing, plan or document mentioned or referred to therein.

Service of
subpœna.

(2) The subpœna shall be served on the person named therein by delivering a copy thereof to him, or by leaving the same for him with some grown-up person at his residence, exhibiting to him or to such grown-up person the original.

Penalty for
disobeying.

(3) If the person commanded to appear by the subpœna after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor, at the time and place appointed in the subpœna, or to produce such writing, plan or document, if any, therein mentioned or referred to, or to give such evidence or information as he may possess touching the boundary or limit in question, the person so summoned shall be guilty of a contempt of the court out of which the subpœna issued, and an attachment may be issued against him by order of the court, and he may be punished accordingly, by fine or imprisonment, or both, in the discretion of the court. R.S.O. 1927, c. 202, s. 9.

True and
unalterable
boundaries,
what to be
deemed.

10.—(1) All boundary lines of townships, cities, towns, and villages, all concession lines, governing points, and all boundary lines of concessions, sections, blocks, gores, reserves, mining claims, mining locations and commons, and all side lines and limits of lots surveyed and all trees marked in lieu of posts and all posts or monuments, marked, placed, or planted at the front or rear angles of any lots or parcels of land, under the authority of the Executive Government of the late Province of Quebec or of Upper Canada, or of Canada, or under the authority of the Executive Government of Ontario, or the Minister, shall be the true and unalterable boundaries of all and every such townships, cities, towns, villages, concessions, sections, blocks, gores, reserves, mining claims, mining locations, commons and lots or parcels of

land respectively, whether the same upon admeasurement be found to contain the exact width or depth or more or less than the exact width or depth shown on the original plan and field notes or mentioned or expressed in any letters patent, grant or other instrument in respect of such township, city, town, village, concession, section, block, gore, reserve, mining claim, mining location, common, lot or parcel of land.

Original
posts and
monuments.

(2) In every township, city, town or village, concession, section, block, gore, reserve, mining claim, mining location, common, lot or parcel of land or any part thereof which has been surveyed under the authority mentioned in this section, all allowances for any road, street, lane or common, laid out in the original survey of such city, township, town or village, concession, section, block, gore, reserve, mining claim, mining location, common, lot or parcel of land, or any part thereof, shall be public highways and commons, and all posts or monuments placed or planted in the original survey to designate or define any such allowance for road, street, lane or common, shall designate or define the true and unalterable boundaries of every such road, street, lane or common.

Road allow-
ances and
commons
dedicated.

Monuments
on original
survey to
govern.

(3) Every surveyor employed to make a survey in any such township, city, town, village, concession, section, block, gore, reserve, mining claim, mining location, common, lot or parcel of land surveyed originally under the authority referred to in this section, shall be governed by the provisions set out in this Act for a survey in a township. R.S.O. 1927, c. 202, s. 10.

Rules for
survey in
township
to govern.

11. Where a township, tract or block of land, the whole or any part of which has not been surveyed, has been or is granted by the Crown, the first survey made under the authority of the owner of any unsurveyed part thereof shall have the same force and effect as if made under the authority mentioned in section 10 and all allowances for roads, streets, lanes and commons surveyed in such township, tract or block of land and laid down on the plans of such survey thereof, shall be public highways, roads, streets, lanes and commons, and all lines run and marked in such survey, and all posts or monuments planted or placed in such survey to define any allowance for road, street, lane or common, concession, section, block, gore, parcel or lot of land, shall define the true and unalterable lines and boundaries of such allowances for road, street, lane or concession, section, block, gore, common, parcel, or lot of land, and every surveyor employed to make a survey in such township, tract or block of land, shall be governed by the provisions laid down in this Act for surveys in townships surveyed under the authority referred to in section 10. R.S.O. 1927, c. 202, s. 11.

Unsurveyed
lands
granted in
blocks and
subsequent-
ly surveyed
by grantees.

Re-surveys
of surveyed
territory
under
Rev. Stat.
cc. 170, 174.

12.—(1) Where any city, town, village, lot, mining claim, mining location or part thereof, or any parcel or tract of land has been or may be surveyed and laid out and a plan thereof made by a company or individual in accordance with the provisions of *The Registry Act* or *The Land Titles Act*, all lines or limits shown thereon and the courses thereof, given in such survey and laid down on the plans thereof and all posts or monuments placed or planted in the first survey of such city, town, village, or part thereof, or parcel or tract of land, to designate or define any allowances for road, street or lane, or any commons, lot, block or parcel of land, shall designate and define the true and unalterable lines and boundaries thereof respectively.

Allowances
for roads
laid out by
private
owners.

Rev. Stat.
cc. 170, 174.

(2) Subject to the provisions of *The Registry Act* and *The Land Titles Act*, as to the amendment or alteration of plans, all allowances for roads, streets, lanes or commons, surveyed in any such city, town, village, lot, mining claim, mining location or any parcel or tract of land or any part thereof, which has been or may be surveyed and laid out by companies or individuals and laid down on the plans thereof shall be public highways, streets, lanes and commons. R.S.O. 1927, c. 202, s. 12 (1, 2).

Methods of
original
survey to
be followed.

(3) Where a surveyor is employed to establish or re-establish the boundaries of any road, street, lane, common, lot, block or parcel of land shown on any such plan, he shall follow the method adopted in making the original survey as shown on the plan or field notes and shall give proportionate dimensions to each lot shown thereon where the original posts or monuments defining the angles of such lot cannot be found or their position satisfactorily established. R.S.O. 1927, c. 202, s. 12 (3); 1931, c. 42, s. 3.

Allowance
for road
when closed
to belong
to adjoining
owner.

Rev. Stat.
cc. 170, 174.

(4) Where under subsection 2 an allowance for a road, street or lane laid down upon a plan is a public highway but the municipal corporation has not assumed it for public use, and the allowance or any part thereof is closed by an alteration of the plan under *The Registry Act*, *The Land Titles Act* or other provisions in that behalf, the allowance, or part thereof so closed shall belong to the owners of the land abutting thereon.

How owners
of abutting
lands to take.

(5) Where several parcels of land having different owners abut on the allowance or part thereof, so closed, the owner of each parcel shall be entitled to that part of the allowance so closed on which his land abuts to the middle line of the allowance, and where there are several owners of an abutting parcel, each shall be entitled to the like estate or interest in such part as he has in the parcel of land abutting thereon.

(6) When any part of the allowance so closed is abutted on one side by another road, street or lane or by a stream, river or other body of water over which the public have rights of navigation or of floating timber, the whole width of such part shall belong to the owners whose lands abut thereon opposite such street, stream, river or water.

(7) The division line between two adjoining parcels produced to the middle line of the closed allowance or across such allowance in cases coming within subsection 6 shall be the division line between the parts of the closed allowance to which the owners of such parcels are respectively entitled.

(8) When there is an incumbrance on a parcel of land abutting on the allowance or part thereof so closed, it shall extend through and include the part thereof to which the owner of such parcel becomes entitled under this section.

(9) Where any allowance for a road, street or lane is closed under the provisions of this section, it shall be the duty of the corporation of the municipality in which the allowance for such road, street or lane was vested to execute a conveyance to each owner of that portion of the road allowance which belongs to him under this section, and the corporation shall register such conveyance in the proper registry or land titles office.

(10) The cost of preparing and registering the conveyance shall be borne by the municipal corporation. R.S.O. 1927, c. 202, s. 12 (4-9).

13.—(1) Every angle of the exterior boundary of a subdivision plan of an original township lot, mining location, mining claim or part thereof prepared, for the purpose of registration in accordance with the provisions of *The Registry Act*, or *The Land Titles Act* shall be defined in the survey thereof by a monument, such monument to be composed of,—

- (a) stone or reinforced concrete 5 inches square at the top, 8 inches square at the base and not less than 4 feet in length, the base of which is to be planted 3 feet 6 inches below the surface;
- (b) iron bar 1 inch square, 4 feet long, the point of which is to be driven 3 feet 6 inches below the surface;
- (c) in the case of solid rock, 1 inch iron bolt, 6 inches long, cemented or leaded into the rock to a depth of 4 inches. R.S.O. 1927, c. 202, s. 13 (1); 1931, c. 42, s. 4.

Bearings of
subdivision
plans.

(2) All bearings shown on the plan of any such survey shall be referred to one course in the boundary thereof, such course being designated on the plan as the reference line, and the course of such reference line shall be the true bearing which shall be determined by astronomic observation or other satisfactory method.

Monuments
at street
inter-
sections.

(3) One such monument shall be placed at one angle of each street intersection shown on any plan prepared for the purpose of registration.

Certificate
on subdivi-
sion plan.

(4) The surveyor shall indicate on such plan the position and form of any such monuments planted in accordance with this section, and shall certify that the plan is prepared in accordance with the provisions of this Act. R.S.O. 1927, c. 202, s. 13 (2-4).

MUNICIPAL SURVEYS.

Municipal
survey of
township
boundary.

14. Where the council of a county deems it advisable that monuments of stone or other durable material shall be placed on the boundary or boundaries of any township or townships situate therein such council may apply to the Lieutenant-Governor in Council to cause a survey to be made and such monuments placed under the direction and order of the Minister and such council shall cause the sum requisite to defray the expenses to be incurred, or the proportion thereof payable by the ratepayers of any township or concession, to be levied on them, in the same manner as any sum required for any other local purposes authorized by by-law may be levied. R.S.O. 1927, c. 202, s. 14.

Municipal
survey of
side road
or conces-
sion lines.

15.—(1) Whereas in several townships, some of the concession road lines and side road lines or parts of the concession road lines and side road lines were not run in the original survey and the survey of some of the concession road lines and side road lines have been obliterated, and owing to the want of such lines the inhabitants of such concessions are subject to serious inconvenience, therefore the municipal council of the township in which such lines are situated shall, on application of one-half the land owners affected thereby, or may upon its own motion without such application, apply to the Lieutenant-Governor in Council to cause any such line to be surveyed and to be marked by monuments of stone or other durable materials under the direction and order of the Minister, in the manner prescribed in this Act, at the cost of such owners.

(2) The township council shall cause to be laid before it an estimate of the sum requisite to defray the expenses to be incurred in order that the same may be levied on the owners affected thereby in proportion to the benefit received, in the same manner as any sum required for any other purpose authorized by law may be levied, or such council may without a previous estimate levy on such owners in such proportions the amount of the expense when the same shall have been incurred and ascertained and the certificate of the Minister certifying the amount of such expense shall be conclusive.

Expenses,
how borne.

(3) Where an application is made by a township council upon its own motion, such council if it deems the application to be in the public interest in assisting to determine the boundaries or limits of any public road or highway or the like may pay out of the general funds of the township either the whole of the expense or such part thereof as the council may deem proper and in the event of the council paying only part of the expense out of the general funds, the council may order that the remainder of the expense be levied on such owners in proportion to the benefit received. R.S.O. 1927, c. 202, s. 15.

Payment
out of
municipal
funds.

16.—(1) Upon receipt by the municipal council of any township, city, town or village of an application from at least one-half the owners of the lands described in the application for a municipal survey of such land, the council shall, or upon its own motion may apply to the Lieutenant-Governor in Council, in the same manner as is provided by section 15, to cause a survey to be made and stone or other durable monuments to be placed at the front or at the rear, or at front and rear angles of any lot or lots in any such township, city, town, village, concession, section, block, gore, lot, mining claim, mining location, common, or parcel of land referred to in sections 10, 11 and 12, such council shall apply to the Lieutenant-Governor in Council in the same manner as is provided by section 15 to cause a survey to be made and such monuments to be placed under the authority of the Minister.

Municipal
survey of
lot lines.

(2) The cost of such survey shall be defrayed in the manner prescribed by section 15. R.S.O. 1927, c. 202, s. 16.

Cost of
survey, how
to be
defrayed.

17.—(1) The Minister shall appoint a surveyor to make any such survey for which application has been made to the Lieutenant-Governor in Council as provided in sections 14, 15 and 16 and on the return in triplicate of the plans and field notes of such survey to the Minister, he shall cause a notice thereof to be published once in each week for four

Confirmation
of
survey.

consecutive weeks in a newspaper published in the county or district town of the county or district in which the lands lie, and shall specify in the notice a day not less than ten days after the last publication on which the report of the survey will be considered and the parties affected thereby heard and on the hearing the Minister may either confirm the survey or direct such amendments or corrections to be made as he shall deem necessary, and shall confirm the survey so amended or corrected, and the lines or parts of the lines so surveyed and marked and the monuments so planted shall thereafter define and designate such corners, governing points or offsets or such ends of concessions or side road lines or such concession or side roads or parts of concession or side roads or such front or rear angles of lots, to all intents and purposes and the order of the Minister confirming the survey shall be final and conclusive upon all persons and shall not be questioned in any court, and the plan and field notes shall have the same force and effect as an original plan and field notes.

Filing copy of plan and field notes in registry and land titles offices.

(2) One copy of such plan and field notes of any such survey so confirmed shall be filed by the Minister in the registry office or office of land titles for the district in which the land is situate.

Special lines and boundaries.

(3) If in the course of a survey undertaken under sections 14, 15 or 16 it is found necessary to establish any lines, limits or boundaries other than those specifically mentioned in the instructions, the Minister may at his discretion confirm any such line, limit or boundary as part of the survey and require the same to be properly marked with stone or other durable monuments. R.S.O. 1927, c. 202, s. 17.

Expenses of survey,—how paid.

18. All expenses incurred in making any survey and placing any monument under the provisions of sections 14, 15, 16 and 17 shall be paid to the surveyor making the survey on certificate and order of the Minister by the treasurer of the municipality by whom the application for the survey is made. 1931, c. 42, s. 5.

RE-SURVEYS OF SURVEYED TERRITORY.

Determination of lost or obliterated lot angles.

19.—(1) Where a surveyor is required to establish for any purpose a front angle of any lot in any concession and the original post or monument marking the same cannot be found, he shall obtain the best evidence that the nature of the case admits of respecting the position of such post or monument, but if the same cannot be satisfactorily established, then the surveyor shall measure the true distance between the two nearest undisputed angles of lots on the

concession line, one being on each side of the angle which it is required to establish and shall establish such angle by dividing such distance proportionately as intended in the original survey. R.S.O. 1927, c. 202, s. 19 (1); 1931, c. 42, s. 6.

(2) Where that part of the concession line on which such angle is situated has become obliterated, the same shall be established by drawing a straight line between the two nearest places where the same can be ascertained or determined, one being on each side of the angle which it is required to establish. R.S.O. 1927, c. 202, s. 19 (2); 1931, c. 42, s. 6. Determination of obliterated concession lines.

(3) Where a surveyor is required to establish for any purpose a front angle of any lot on a township boundary and the original post or monument marking the same cannot be found, he shall obtain the best evidence that the nature of the case admits of respecting the position of such post or monument, but if the same cannot be satisfactorily established, then the surveyor shall measure the true distance between the two nearest undisputed angles of lots on the township boundary, one being on each side of the angle which it is required to establish and shall establish such angle by dividing such distance proportionately as intended in the original survey. R.S.O. 1927, c. 202, s. 19 (3); 1931, c. 42, s. 6. Obliterated township boundary.

(4) Where that part of the township boundary on which such angle is situated has become obliterated, the same shall be established by drawing a straight line between the two nearest places where the same can be ascertained or determined, one being on each side of the angle which it is required to establish. R.S.O. 1927, c. 202, s. 19 (4); 1931, c. 42, s. 6. Best evidence in double front concessions.

(5) In the original survey of any township, where more than one row of posts, monuments or marks was planted or made on the concession line, and a post, monument or mark marking the angle of a lot is lost and the position thereof cannot be satisfactorily ascertained, any such post, monument or mark found still standing or the position of which can be satisfactorily determined on the opposite side of the concession road allowance, shall constitute the best evidence as to the position of the post, monument or mark which is lost, and if no such post, monument or mark can be found or so ascertained on the opposite side of the concession road allowance and the position of a post, monument or mark on the centre line of the concession line can be so determined, then such post, monument or mark on the centre line shall be the best evidence for the purpose of establishing the post which is lost. Where some posts or marks are lost.

Proviso.

(6) Provided that subsections 1 and 3 shall not apply to the front angles of lots directly or indirectly affected by the provisions of section 29.

Proviso.

(7) Provided also that angles of lots that can be established in accordance with the provisions of section 29, and subsections 3 and 4 of this section shall be undisputed angles for the purpose of subsection 1.

Whole
concession
line obliterated or not
run.

(8) Where a surveyor is called upon to establish as a whole or in part a concession line that has been completely obliterated or was not run in the original survey, he shall establish the same so as to give the lots in each of the adjacent concessions a depth proportionate to that intended in the original survey. R.S.O. 1927, c. 202, s. 19 (5-8).

Governing
lines.

20.—(1) Except as provided in subsections 2 and 3, the division or side lines between lots in any concession in any township other than those townships surveyed into sections under the authority of an Order-in-Council dated 27th day of March, 1829, and subsequent Orders, shall be run,—

- (a) if so intended on the same astronomic course as the boundary line of the concession at that end from which the lots are numbered, and if not so intended, or such boundary was not run in the original survey, or is wholly broken by a lake, river or other natural boundary, then on the same astronomic course as the boundary line at the other end of the concession if so intended;
- (b) if not intended to be run on the same course as the boundary line at either end of the concession, such division or side lines shall be run, if so intended, at such angle with the boundary line at that end of the concession from which the lots are numbered as shown on the plan and field notes of record in the Department, and if not so intended or if such end be wholly bounded by a lake, river or other natural boundary, or was not run in the original survey, then at such angle with the boundary line at the other end of the concession as is shown on such plan and field notes if so intended;
- (c) if neither of such boundaries of the concession were run in the original survey or if the concession is wholly bounded at both ends by a lake, river or other natural boundary then such division or side lines shall be run at such angle with the course of the line in front of the concession as is stated

in such plan and field notes or if parts of the line in front of the concession have been run on different courses as shown on such plan and field notes, then at such angles with the course of each of those parts, as is stated in the plan and field notes.

(2) If any division or side line between lots, or proof line intended to be on the same course as the division or side lines between lots, was drawn in the original survey in any concession in any such township bounded at both ends by a lake, river or other natural boundary, or in which the line at neither end of the concession was run in the original survey, the division or side lines between the lots therein shall be run on the same course as such division or side or proof line.

Where division or proof line has been run between lots.

(3) When two or more such division or side lines or proof lines were drawn in the original survey of such concession, so bounded, that division or side line or proof line which is nearest to the boundary of the concession from which the lots are numbered shall govern the course of the division or side lines of all the lots in such concession between the boundary of the concession from which the lots are numbered, and the next division or side line or proof line drawn in the original survey, and such last mentioned line or proof line shall govern the course of the division or side lines of all the lots up to the next division or side line or proof line drawn in the original survey or to the boundary of the concession towards which the lots are numbered as the case may be.

When more than one such line drawn in original survey.

(4) If in any concession in any such township coming within the provisions of clauses *a* and *b* of subsection 1, such division or side line or proof line was run in the original survey, it shall govern the course of the division or side lines in such concession on that side of such proof line which is farthest from that end of the concession which is intended to govern the course of the division or side lines in such concession.

When proof line to govern.

R.S.O. 1927, c. 202, s. 20.

21.—(1) Except as provided in subsection 2, in all those townships which in the original survey were divided into sections, agreeably to an Order-in-Council bearing date the 27th day of March, 1829, or subsequent Orders, the division or side lines between the lots in all concessions, in any section or block, shall be governed by the boundary lines of such section or block, in like manner as the division or side lines in townships originally surveyed before that day are governed by the boundary lines of the concession in which the lots are situated; provided that in those sections or blocks the governing boundaries of which are broken by lakes or rivers in such a way that the course thereof cannot accurately

How lines to be governed in townships laid out in sections.

Proviso.

be determined on the ground a surveyor when called upon to run any side line in a concession in such section or block, shall run such side line on the astronomic course of such side line as shown on the original plan and field notes thereof, of record in the Department.

Exceptions.

(2) The side lines between all lots in all townships in the Districts of Muskoka and Parry Sound; all townships in the District of Nipissing which lie south of the Mattawan River and Trout Lake; and the Township of Mattawan in that District; all townships in the provisional County of Haliburton; the Townships of Dalton, Digby and Longford, in the County of Victoria; the Townships of Galway, Cavenish, Anstruther and Chandos in the County of Peterborough; the Townships of Tudor, Grimsthorp, Wollaston, Limerick, Cashel, Faraday, Dungannon, Mayo, Herschell, Monteagle, Carlow, McClure, Wicklow and Bangor, in the County of Hastings; the Townships of Anglesea, Effingham, Abinger and Denbigh, in the County of Lennox and Addington; the Townships of Barrie, South Canonto and North Canonto, in the County of Frontenac, and the Townships of Brougham, Grattan, Wilberforce, Alice, Mattawachan, Griffith, Sebastopol, South Algona, North Algona, Fraser, Richards, Hagarty, Brudenell, Lyndoch, Raglan, Radcliffe, Sherwood, Burns and Jones, in the County of Renfrew shall be run on the astronomic course stated in the plan and field notes of the original survey of record in the Department, but nothing in this subsection shall affect the side lines of any lot in any concession in any section or block in which any side line was run before the 1st day of July, 1897.

Surveyor's return to township clerk.

(3) Every surveyor shall on the 31st day of December in each year, make to the clerk of the township a return (Form 1) of all lines run by him in such township under the provision of subsection 2. R.S.O. 1927, c. 202, s. 21.

Governing line, how to determine the course of.

22. Where a surveyor is called upon to determine the astronomic course of any governing line for the purpose of running any side line or other division line in any concession or section, he shall determine the astronomic course of the straight line joining the front and rear ends of such governing line, and shall run such side or other line on such astronomic course or at an angle therewith, in accordance with the provisions laid down in this Act in that behalf, and where a division or side line is to be run, at an angle with the front line or any part of the front line of any concession, the ends of such front line or part thereof shall be joined as above provided, for the purpose of laying of such angle. R.S.O. 1927, c. 202, s. 22.

23. The front of each concession in any township where only a single row of posts has been planted on the concession lines, and the lands have been described in whole lots, shall be that boundary of the concession which is nearest to the boundary of the township from which the concessions thereof are numbered, and where the line in front of any such concession was not run in the original survey, the division or side lines of the lots in such concession shall be run from the angles of lots on the front line of the concession in the rear thereof to the depth of the concession—that is, to the centre of the space contained between the lines in front of the adjacent concessions, if the concessions were intended in the original survey to be of an equal depth, or, if they were not so intended, then to the proportionate depth intended in the original survey as shown on the plan and field notes thereof of record in the Department, having due regard to any allowance for a road made in the original survey, and a straight line joining the extremities of the division or side lines of any lot in such concession so drawn shall be the true boundary of that end of the lot which was not run in the original survey.

What shall be deemed the front of a concession where only a single row of posts is planted.

If concession line not run.

R.S.O. 1927, c. 202, s. 23.

24.—(1) In those townships in which any concession is wholly bounded in front by a river or lake or other natural boundary where no posts or other boundary marks were planted or made in the original survey on the bank of such river, or lake or natural boundary to regulate the widths in front of the lots in the broken front concessions, the division or side lines of the lots in such broken front concessions shall be drawn from the angles of lots on the concession line in rear thereof to the river, lake or natural boundary in front.

Broken front concessions.

(2) Where any concession is bounded in front at either end, in part, though not wholly, by a river, lake or other natural boundary, and no posts or other boundary marks were planted or made in the original survey on the bank of such river, lake or natural boundary to regulate the widths of the lots broken thereby, the division or side lines of such broken lots shall be drawn to the lake, river or other natural boundary in front from points on the rear of the concession determined by dividing proportionately as intended in the original survey the distance between the end of the concession and the intersection of the last whole lot line of the original survey with the rear of the concession; provided that where such end of the concession is wholly bounded by a lake, river or other natural boundary and no measurement was made in the original survey along the rear of the concession to the lake, river or other natural boundary, the surveyor shall determine the points from which the side lines of such lots shall be

Side lines in broken fronts.

drawn by measuring along the rear line the widths of the lots as originally intended from the intersection of the last whole lot line.

Where front
is bounded
partly by
lake, etc.

(3) Similarly where a concession is bounded partly in front by a lake, river or natural boundary and where such lake river or other natural boundary does not extend to either end of the concession, the points from which the lot lines in that part of the concession so bounded shall be run, shall be determined by dividing proportionately as shown on the original plan and field notes the distance between the intersections of the last whole lot line on either side of such lake, river, or other natural boundary with the rear line of the concession. R.S.O. 1927, c. 202, s. 24.

Concessions
with double
fronts.

25.—(1) In those townships in which the concessions have been surveyed with double fronts—that is, with posts or monuments placed or planted on both sides of the allowances for road between the concessions, and the lands have been described in half lots, the division or side lines between such half lots shall be drawn from the angles of lots at both ends of the lot lines to the centre of the concession, and each end of such lot shall be the front of its respective half of such lot and a straight line joining the extremities of the division or side lines of any half lot in such concession, so drawn, shall be the true boundary of that end of the half lot which was not run in the original survey.

Where not
full depth.

(2) Where a double front concession is not of the full depth, the division or side lines shall be drawn from the angles of lots at both ends thereof, to the centre of the concession as provided in subsection 1, without reference to the manner in which the lot or parts of lots in such concession were described for patent. R.S.O. 1927, c. 202, s. 25.

Alternate
concessions.

26. In those townships in which each alternate concession line only has been run in the original survey, but with double fronts, the division or side lines shall be drawn from the angles of lots on each side of such alternate concession lines to the depth of a concession—that is, to the centre of the space contained between such alternate concession lines, if the concessions were intended in the original survey to be of an equal depth—or if they were not so intended, then to a depth proportionate with that intended in the original survey, as shown on the plan and field notes thereof of record in the Department, and each alternate concession line shall be the front of each of the two concessions abutting thereon. R.S.O. 1927, c. 202, s. 26.

27. Where the front of any concession or half concession in any township surveyed with double fronts is wholly or in part broken by a lake, river, or other natural boundary, the rear boundary of the adjacent concession or half concession or part of the concession or half concession shall be established by giving to such adjacent concession or half concession or part of concession or half concession, its regular depth or the depth shown on the original plan and field notes. R.S.O. 1927, c. 202, s. 27.

Broken front
in township
with
alternate
concessions.

28.—(1) In any township that has been surveyed or may hereafter be surveyed into sections or blocks agreeably to an Order-in-Council dated the 27th day of March, 1829, or subsequent Orders, the division line between the halves of any unbroken regular lot where intended to run from front to rear shall be a line drawn on the same course as it is required to run any side line of such lot which was not run in the original survey from a point on the front of said lot midway between the front angles thereof, and the division line between the halves of any such lot where intended to run from side line to side line across the lot shall be a straight line joining the midway points on the side lines thereof and in dividing any such lot into quarters or other aliquot parts the same methods shall be adopted, but the provisions of this subsection shall not apply to any such lot the whole or part of which has been patented before the 24th day of March, 1911.

Aliquot
parts section
system.

(2) Except as provided in subsection 1 of this section and in section 25, every patent, grant or instrument purporting to be for any aliquot part of any concession, block, gore, common, lot or parcel of land in any township, city, town or village shall be construed to be a grant of such aliquot part of the quantity the same may contain, whether such quantity be more or less than that expressed in such patent, grant or instrument.

Aliquot.
As to aliquot
parts of
townships,
etc.

(3) Where in any survey of Crown lands made under the authority of the Minister, any lot or other subdivision bordering upon a lake or river is given an acreage covering only the land area, such lot or other subdivision shall include the land area only, and not any land covered by the water of such lake or river.

When area
not to
include land
covered by
water.

(4) Subsection 2 shall not affect the rights, if any, of any person where such rights have heretofore been determined by a court of competent jurisdiction. R.S.O. 1927, c. 202, s. 28.

Application
of subs. 2.

29.—(1) Where the concession line in front of two adjacent sections or blocks in any township heretofore or hereafter surveyed into sections or blocks under the authority of

Location
of section
corners.

an Order-in-Council dated the 27th day of March, 1829, or subsequent Orders-in-Council, is shown on the plan and field notes to be on the same astronomic course, and in one and the same straight line, and the side lines between such sections or blocks and between the adjacent sections or blocks on the opposite side of such concession line as shown on the plan and field notes to be on the same astronomic course and in the same straight line, and the position of the original monuments marking the adjacent corners of such sections or blocks cannot be satisfactorily ascertained, the surveyor shall connect the nearest undisputed points on the concession line in front of such sections or blocks by a straight line and join the nearest undisputed points on the side line between the sections or blocks, and the intersection of these two lines shall be the angle of the adjacent sections or blocks; provided that the undisputed points on the side line to be connected are not more than twenty chains apart, and that one of them is on either side of the concession line, and if such undisputed points on the side line are more than twenty chains apart, the surveyor shall then establish the angle of the sections or blocks by dividing proportionately, as intended in the original survey the distance between the two nearest undisputed angles of lots on the concession line in front of such sections or blocks, and the point so ascertained shall be the angle of the sections or blocks.

Where undisputed points more than 20 chains apart.

(2) Where the concession line in front of two such adjacent sections or blocks, is shown on the plan and field notes to be on the same astronomic course and in the same straight line, and the side lines between such adjacent sections or blocks, and the adjacent sections or blocks on the opposite side of the concession line are shown on the plan and field notes not to be on the same astronomic course or not in one and the same straight line, and the post or posts defining the adjacent angles of such adjacent sections or blocks cannot be found nor the position thereof satisfactorily established and the sides lines are obliterated in such manner that they cannot be accurately determined, the surveyor shall determine the position of the angles that are lost by division in the same proportion as is shown on the plan or field notes of the distance between the nearest angles of lots on the concession line that can be satisfactorily established, one being on either side of the angles that are lost.

Where side lines between adjacent blocks, etc., are not on same astronomic course.

(3) Where the concession line in front of two such adjacent sections or blocks is shown on the plan and field notes not to be in the same astronomic course or not in one and the same straight line and the side lines between such adjacent sections or blocks and the adjacent sections or blocks on the opposite side of such concession line are shown on the plan

Where concession line not intended to be straight.

and field notes to be on the same astronomic course and in the same straight line and the post or posts defining the adjacent angles of such sections or blocks cannot be found, nor the position thereof satisfactorily established, and the concession line is obliterated, the surveyor shall determine the position of the angles that are lost by division, in the same proportion as shown in the plan and field notes of the distance between the other angles on such side lines of such adjacent sections or blocks.

(4) Where both the concession lines in front of the adjacent sections or blocks and the side lines between such adjacent sections or blocks and between the adjacent sections or blocks on the opposite side of the concession line have been obliterated in such manner that they cannot be accurately determined and the post or posts marking the adjacent angles of such sections or blocks cannot be found or their position satisfactorily established, the surveyor shall apply to the Minister, who shall instruct him how to proceed and the angle determined in accordance with the instructions of the Minister shall be the true and unalterable angle of such sections or blocks.

Where
concession
lines and
side lines
obliterated.

(5) Provided that the angle of a section that can be determined in accordance with the provisions of this section shall be an undisputed angle for the purpose of this section.

Proviso.

(6) Provided that the provisions of this section shall not apply to any angle of a section re-established prior to the 24th day of March, 1911. R.S.O. 1927, c. 202, s. 29.

Proviso.

30. Where a Crown patent, grant or other instrument has been issued for several lots or parcels of land in concessions adjoining each other, the side lines or limits of the lots or parcels of land therein mentioned shall commence at the front angles of such lots or parcels of land respectively and shall be run as hereinbefore provided, and shall not continue on in a straight line through several concessions, that is to say, each lot or parcel of land shall be surveyed and bounded according to the provisions of this Act, independently of the other lots or parcels mentioned in the same patent, grant or instrument. R.S.O. 1927, c. 202, s. 30.

As to lands
in adjoining
concessions
included in
the same
grant.

SPECIAL RE-SURVEYS.

31.—(1) Except as in this section is provided, the surveys made under instructions from the Department of the Interior of Canada, of certain townships in the Rainy River District the lots immediately upon the bank of Rainy River having a width of ten chains fronting the river and a varying depth,

Former surveys in the Rainy River District adopted.

and the remaining lands so surveyed being subdivided into sections one mile square, and quarter sections of one hundred and sixty acres, with road allowances around each section are hereby adopted and legalized.

Reduction
of width of
road allow-
ances.

(2) The road allowances in the townships in the District of Rainy River, surveyed under instructions from the Department of Interior of Canada, shall be and are hereby declared to be one chain in width, such chain allowance to be that lying immediately north and east respectively of the lines of survey run upon the ground in the original survey.

Lands de-
tached to
form part of
adjoining
quarter sec-
tion or lots.

(3) The strips of land formerly forming parts of the road allowances shall be detached therefrom and attached to and form part of the quarter sections or lots, as the case may be, immediately adjoining the strips of land on the east and north thereof.

Present
quarter sec-
tion or lot
posts to
remain.

(4) The quarter section posts or lot posts intended to define on the ground the limits of the quarter sections or lots in such townships shall continue to be the governing points, notwithstanding the addition hereby made to the respective quarter sections and lots. R.S.O. 1927, c. 202, s. 31.

Re-surveys
in townships
on Dominion
land system.

32. Where a surveyor is employed to run any boundary line of, or any dividing line or limit between any sections, quarter sections, or other aliquot parts of any section in any township in the Rainy River District subdivided into sections, in accordance with the Dominion lands system of survey or in any of the following townships and parts of townships in the Districts of Algoma and Thunder Bay, namely, Rutherford, Salter, Victoria, all that portion of Shedden south of the fourth concession, the Townships of Spragge, Esten, Thompson, all that portion of Patton south of the third concession, the Townships of Thessalon, Lefroy, Rose, Laird, Meredith, Macdonald, Tarentorus, Aweres, VanKoughnet, Awenge, Korah, Pennefather, Fenwick, sections 31 to 36, both inclusive, of the Township of Haviland, the Townships of Tilley, Parke, Prince, Dennis, Kars, Fisher, Palmer, Herrick, Ryan, Blake, Crooks, Pardee, McIntyre, Macgregor, McTavish, Homer and Byron, and the post or monument planted, erected or marked in the original survey to define the corner of any such section, quarter section or other aliquot part cannot be found, the surveyor shall obtain the best evidence that the nature of the case admits of respecting such post or monument: but if the position of the same cannot be satisfactorily so ascertained, he shall proceed as follows,—

(a) if the lost post or monument is that of a township corner, he shall report the circumstances to the Minister who shall instruct him how to proceed;

- (b) if the lost post or monument is that of a section or quarter section corner on the boundary line of a township, he shall renew the same by joining the nearest original blazes, quarter section or section corners on such boundary by a straight line and shall give to each section or quarter section a breadth proportionate to that shown on the original plan and field notes thereof, of record in the Department, having first taken into account and made due allowance for any roads shown on the plan and field notes;
- (c) if the lost post or monument is that of a section corner in the interior of a township he shall renew the same by intersecting the straight lines adjoining the nearest original blazes or original quarter section or section corners on the adjoining intersecting section boundaries, and where the nearest section corner on any side of the lost post or monument is on a township boundary and that post or monument and also the intervening quarter section posts or monuments are lost, and there are no original blazes between such corners, the surveyor shall first renew the post monuments on the section corner or corners on such township boundary in accordance with the provisions of clause *b*;
- (d) if the lost post or monument is that of a quarter section corner in the interior of a township, he shall renew the same by joining the nearest original blazes or adjacent section corners determined, if necessary, as hereinbefore provided, and shall give to each of the adjacent quarter sections a breadth proportionate to that shown on the original plan and field notes;
- (e) in laying out interior boundaries of half sections or of quarter sections he shall connect the opposite quarter section corners determined, if necessary, as hereinbefore provided, by straight lines;
- (f) in laying out interior boundaries of other aliquot parts of any section he shall give to each aliquot part its proportionate share of breadth and interior depth and connect the resulting terminal points by straight lines. R.S.O. 1927, c. 202, s. 32.

33.—(1) Where a surveyor is called upon to establish any front or rear angle or side line of a lot in any township in the original survey of which the side lines only of the lots

Township in
which side
lines only
were
surveyed.

To establish
angles of lots.

were surveyed and in which the concession lines were not surveyed and the original monuments defining the position of such angles or side line cannot be found nor the location of the same be satisfactorily ascertained, the surveyor shall measure the true distance between the two nearest undisputed angles of lots on such side lines, one being on either side of the angle which it is desired to establish and shall divide such distance into the number of lots that the same contained in the original survey, making due allowance for any road or roads and giving to each lot its proportionate share of depth, as shown on the original plan and field notes, and shall plant such posts or monuments as he may be required to plant at the lot angles so ascertained and straight lines joining the front angles or the rear angles of a lot so ascertained shall be the true boundaries of those ends of the lot which were not surveyed in the original survey.

To establish
side lines.

(2) Where in any such township a surveyor is called upon to establish any side line or part thereof run in the original survey that has become obliterated, he shall join by a straight line or lines the places where such side line can be satisfactorily ascertained and where such line is obliterated at either end, he shall establish such end by measurement only along the township boundary or base line in the manner in which such measurement was made in the original survey, as shown on the plan and field notes. R.S.O. 1927, c. 202, s. 33.

FORM 1.

(Section 21 (3).)

SURVEYOR'S RETURN.

Township of.....

County of.....

I hereby certify that the foregoing lot lines in the above township were run by me during the year ending December 31st, 19 .., under the provisions of *The Surveys Act*.

Line between..... Concession..... Date.....

Lot..... and lot....., etc., etc.

Dated at....., this..... day of....., 19 ..

A. B.,

Ontario Land Surveyor.

R.S.O. 1927, c. 202, Form 1.